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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/975,907      | 10/12/2001  | Lyle Berman          |                     | 1153             |

7590 06/04/2003

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EXAMINER

RADA, ALEX P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3714     | 9            |

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/975,907

Applicant(s)

BERMAN, LYLE

Examiner

Alex P. Rada

Art Unit

3714

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 January 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 38-51 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 38-51 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the RCE (Request for Continuing Examination) filed January 28, 2003 in which the applicant provided corrections to the drawings, submits a declaration, cancels claims 1-37, add new claims 38-51, and claims 38-51 are pending in this office action.

1. The declaration filed on January 28, 2003 under 37 CFR 1.131 has not been considered because it unsigned and is ineffective to overcome the art of record.

### ***Drawings***

2. The corrected or substitute drawings were received on January 28, 2003. These drawings are approved.

### ***Claim Objections***

3. Claim 39 objected to for being dependent upon a canceled claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 38, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Card Craps by Scarne's Encyclopedia of Games (Scarne) in view of Breeding '189.
6. Scarne discloses at least one deck of cards representing the possible outcomes from a dice means for determining a random number between a predetermined minimum and maximum, providing at least one first wager location for accepting a wager on at least one statistical event associated with the random generation of dice rolls according to a set of rules based on statistical odds (standard craps table), accepting at least one wager on the at least one first wager location, selecting at least one first card randomly and dealing the at least one card, displaying the at least one first card, and satisfying wagers if the at least one first card matches the at least one statistical event as recited in claim 38; and a predetermined target number is generated as the statistical event as recited in claim 48. Scarne does not expressly disclose an electromechanical handling apparatus for randomly shuffling as recited in claim 38.

Breeding teaches an electromechanical handling apparatus for randomly shuffling cards. By having a shuffler randomly shuffling cards, one of ordinary skill in the art would be able to provide a faster pace game. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Scarne to include an electromechanical handling apparatus for randomly shuffling cards as taught by Breeding. To do would allow card games to facilitate the casino play of wagering games.

7. Claims 39-41, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarne's Encyclopedia of Games (Scarne) in view of Breeding '189 as applied to claim 38 above, and further in view of Aldridge '353.

8. Scarne in view of Breeding further discloses the at least one statistical event is a traditional craps game as recited in claim 40 and the claimed invention as discussed above except for a second deck of cards representing the outcome from a dice means as recited in claim 39; the first set of cards and second set of cards represent the possible outcomes with a first and second dice having 6 sides as recited in claim 41.

Aldridge teaches cards representing the outcome from a dice means and cards represent the possible outcomes with a first and second dice having 6 sides. By having one or more decks to obtain a random result, one of ordinary skill in the art would be able to provide a different type of random result. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Scarne\Breeding to include cards representing the outcome from a dice means and cards represent the possible outcomes with a first and second dice having 6 sides as taught by Aldridge. To do so would provide a different type of random outcome of a game.

Regarding claims 47 and 49, the particular addition of the combined cards and selection of cards used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific addition of the combined cards and selection of cards claimed versus the addition of the combined cards and selection of cards taught by the prior art.

9. Claims 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarne's Encyclopedia of Games (Scarne) in view of Breeding '189 as applied to claim 38 above, and further in view of Moore '463.

10. Scarne in of Breeding disclose the claimed invention as discussed above except for at least one special card as recited in claim 42, which represent an object other than a number between the predetermined minimum and maximum, the special card providing a bonus to the player, the

bonus is from a group consisting of 1) allowing the player to pick any number from at least one number between the predetermined minimum and maximum for the value of the special card, 2) providing a multiple payout, 3) providing a special payout not related to a wager on the occurrence of the special card, 5) triggering an event to select an additional play, and 6) triggering an event to select an additional amount as recited in claim 43; the special card having a number between the predetermined minimum and maximum as recited in claim 44.

Moore teaches at least one special card (50), which represent an object other than a number between the predetermined minimum and maximum, the special card providing a bonus to the player, the bonus is from a group consisting of 1) allowing the player to pick any number from at least one number between the predetermined minimum and maximum for the value of the special card, 2) providing a multiple payout, 3) providing a special payout not related to a wager on the occurrence of the special card, 5) triggering an event to select an additional play, and 6) triggering an event to select an additional amount a number between the predetermined minimum and maximum, triggering an event to select an additional amount, and the special card having a number between the predetermined minimum and maximum. By having a wild card, one of ordinary skill in the art would be able to increase a game players chance at a bigger payout. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Scarne\Breeding to include at least one special card which represent an object other than a number between the predetermined minimum and maximum, the special card providing a bonus to the player, the bonus is from a group consisting of 1) allowing the player to pick any number from at least one number between the predetermined minimum and maximum for the value of the special card, 2) providing a multiple payout, 3) providing a special payout not related to a wager on the occurrence of the special card, 5) triggering an event to select an additional play, and 6) triggering an event to

select an additional amount a number between the predetermined minimum and maximum, triggering an event to select an additional amount, and the special card having a number between the predetermined minimum and maximum as taught by Moore. To do so would increase the odds of game players winning a substantial payout.

Regarding claims 45 and 46, the particular location used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific location claimed versus the location taught by the prior art.

11. Claim 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarne's Encyclopedia of Games (Scarne) in view of Breeding '189 as applied to claim 38 above, and further in view of Laughlin '172.

12. Scarne in of Breeding disclose the claimed invention as discussed above except for marking the value of at least one first card with an electronically readable value, electronically examining the cards to locate the marking, and display the value as recited in claim 50.

Laughlin teaches the value of at least one first card with an electronically readable value, electronically examining the cards to locate the marking, and display the value. By having marked cards with electronically readable value, one of ordinary skill in the art would provide game players with a knowledge of whether or not a card is one of a group of values or of a predetermined valued while the card remains face down and in play in a game. Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Scarne\Breeding to include the value of at least one first card with an electronically readable value, electronically examining the cards to locate the marking, and display the value as taught by Laughlin. To do so would provide game players with a knowledge

of whether or not a card is one of a group of values or of a predetermined valued while the card remains face down and in play in a game.

Regarding claim 51, the particular indicia used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific indicia claimed versus the indicia taught by the prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

apr  
May 29, 2003



S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
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